

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ASHLEY ADAMS, individually and as the §
representative of the Estate of RODNEY GERALD §
ADAMS; and WANDA ADAMS, individually; §

CARLETTE HUNTER JAMES, individually and as the §
representative of the Estate of KENNETH WAYNE §
JAMES; KRISTY JAMES, KRYSTAL JAMES, §
KENDRICK JAMES, ARLETT JAMES, JONATHAN §
JAMES and KENNETH EVANS, individually and as §
heirs-at-law to the Estate of Kenneth Wayne James, and §
MARY LOU JAMES, individually, §

CADE HUDSON, individually and as the representative §
of the Estate of DOUGLAS HUDSON, §
PLAINTIFFS §

CIVIL ACTION NO.
6:13-CV-712

JURY DEMANDED

v. §
BRAD LIVINGSTON, individually and in his official §
capacity, JOE OLIVER, NANCY BETTS, L. FIELDS, §
JOHN DOE, ROBERT LEONARD, BRANDON §
MATTHEWS, DEBRA GILMORE, SARAH RAINES, §
DANNY WASHINGTON, MATTHEW SEDA, TULLY §
FLOWERS, DORIS EDWARDS, LINDA McKNIGHT, §
REVOYDA DODD, RICK THALER, WILLIAM §
STEPHENS, ROBERT EASON, DENNIS MILLER, §
REGINALD GOINGS, and OWEN MURRAY in their §
individual capacities, TEXAS DEPARTMENT OF §
CRIMINAL JUSTICE, and UNIVERSITY OF TEXAS §
MEDICAL BRANCH §
DEFENDANTS §

**PLAINTIFFS' UNOPPOSED MOTION TO FILE SUR-REPLY TO DEFENDANT
LIVINGSTON, THALER, AND STEPHENS' MOTION TO DISMISS**

Plaintiffs ask leave of the court to file this short sur-reply to address arguments
raised in Livingston, Thaler, and Stephens' reply brief.

In their reply briefing, Livingston, Thaler, and Stephens advanced a new argument about a citation in Plaintiffs' response. Thus, Plaintiffs respectfully request leave to file a three-page sur-reply, which is attached as Exhibit A.

DATED: November 1, 2013.

Respectfully submitted,

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By /s/ Jeff Edwards

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CERTIFICATE OF SERVICE

By my signature above, I certify that a true and correct copy of the foregoing has been served on all counsel of record through the Electronic Case Files System of the Eastern District of Texas.